

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY WEST ENTSMINGER,

Plaintiff,

v.

ROMEO ARANAS, *et al.*,

Defendants.

Case No. 3:16-cv-00555-MMD-WGC

ORDER

Plaintiff Gregory West Entsminger, who is in custody at the Northern Nevada Correctional Center, filed this civil rights action under 42 U.S.C. § 1983 and state law. Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 203) (“R&R”), recommending that the Court grant Plaintiff’s motion to set aside dismissal of dental assistant Jennifer (ECF No. 179). Plaintiff filed a response in support of the R&R. (ECF No. 214.) As discussed further below, the Court agrees with Judge Cobb’s reasoning and adopts the R&R in full.

The Court incorporates the facts outlined in the R&R (ECF No. 203 at 1-4) and does not recite them here.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also*

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); Fed. R. Civ. P. 72, Advisory Committee Notes (1983)
4 (providing that the court “need only satisfy itself that there is no clear error on the face of
5 the record in order to accept the recommendation”).

6 Despite the lack of objection, this Court has engaged in a *de novo* review to
7 determine whether to adopt the R&R. Judge Cobb recommends that the Court grant
8 Plaintiff’s motion to set aside the dismissal of dental assistant Jennifer. (ECF No. 203 at
9 4.) Judge Cobb also recommends giving Plaintiff 30 days from the date of such order to
10 file a proof of service on Jennifer before dismissing her under Federal Rule of Civil
11 Procedure 4(m). (*Id.*) Because Plaintiff agrees (ECF No. 214 at 1),¹ Defendants have not
12 responded, and the Court agrees with Judge Cobb, the Court will adopt the R&R (ECF
13 No. 203) in full.

14 It is therefore ordered that the Report and Recommendation of Magistrate Judge
15 William G. Cobb (ECF Nos. 203) is accepted and adopted in its entirety.

16 It is further ordered that Plaintiff’s motion to set aside dismissal of dental assistant
17 Jennifer (ECF No. 179) is granted. Plaintiff is given 30 days from the date of this order to
18 file a proof of service on Defendant Jennifer, otherwise failure to do so will result in her
19 dismissal under Federal Rule of Civil Procedure 4(m).

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21 DATED THIS 6th day of July 2020.

22
23 
24 MIRANDA M. DU
25 CHIEF UNITED STATES DISTRICT JUDGE

26
27 ¹Plaintiff also requests that the Court authorize USMS to locate the unserved
28 defendants at their new addresses and provide information on them. (ECF No. 214 at 1-
2.) The Court denies such request as beyond the scope of a response to the R&R, and
directs Plaintiff to file a motion if he still wants to make that request. See LR IC 2-2(b)
(requiring that each type of requested relief be filed in a separate document).